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EXAMINER	
TIMBLIN, ROBERT M	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/824,449	YOUNG ET AL.	
	Examiner	Art Unit	
	ROBERT TIMBLIN	2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 November 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-34* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-34* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This office action corresponds to application 10/824,449 filed 4/14/2004. Claims 1-34 are pending prosecution in this application.

Response to Amendment

Applicant herein amends claims 1, 2, 3, 7, 11-12, 16-17, 21, 26-29, 31-32, and 34. Claim 35 has been withdrawn as per the election/restriction requirement. Accordingly, claims 1-34 are pending.

Claim Objections

The previous claim objections have been withdrawn. However, on further inspection of the claims, claim 26 is objected to because the customizable agent(s) lack antecedent basis.

Appropriate correction is required.

35 USC § 101

In accordance with 35 U.S.C. 101 and with respect to Applicant's remarks (see page 8) claims 17 and 34 and depending claims therefrom are seen to be statutory for the inclusion of a processing module contained in the system. In particular, the processing module (receiving support from the present disclosure, page 19, paragraph 0049 and drawing reference 84) comprises hardware circuitry such as a processing unit or device to recite only statutory subject matter. Accordingly the previous U.S.C. 101 rejection is withdrawn.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-3, 15-19, 30 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable by Tafoya (U.S. Patent Application 2003/0130974 A1).

With respect to claim 1, Tafoya teaches a method for maintaining a dynamic reference repository, comprising:

discovering pertinent input(s) (0004, 0046-0047 and step 40 of figure 1A, and step 2 GENERATE THE INFORMATION of figure 5) to the dynamic reference repository (knowledge database; abstract and 0010);

retrieving the pertinent input(s) (0047, 0049 and step 2 GENERATE THE INFORMATION of figure 5. Therein, collecting information, or retrieving, is disclosed) to the dynamic reference repository (knowledge database; abstract and 0010),

managing the pertinent input(s) to the dynamic reference repository (steps 3-5 of figure 5); and

distributing the pertinent input(s) to update (0010, step 7 of figure 5, step 22 of figure 1B) the dynamic reference repository (knowledge database; abstract and 0010).

Although Tafoya does not expressly disclose an automated software agent performing the discovering and retrieving of pertinent input(s) to the dynamic reference repository, it would have been obvious to automate Tafoya's system to further improve knowledge retrieval and management. Such a benefit would be realized to give their system a competitive advantage (need disclosed by Tafoya, para 0002).

With respect to claim 2, Tafoya teaches the method of claim 1,further comprising the automated software agent cataloging the pertinent input(s) to the dynamic reference repository (step 4 of figure 5).

With respect to claim 3, Tafoya teaches the method of claim 1, further comprises the automated software agent maintaining the pertinent input(s) to the dynamic reference repository (steps 3-5 which describe the preparation of the information collected).

With respect to claim 15, Tafoya teaches the method of claim 1, wherein the dynamic reference repository comprises at least one database (step 22 of figure 1B and step 7 of figure 5).

With respect to claim 16, Tafoya teaches the method of claim 1, wherein discovering the pertinent input(s) further comprises automated time stamping of the discovered pertinent input(s) (date field data of figure 12 and 0047).

With respect to claim 17, Tafoya teaches a dynamic reference repository system for maintaining a dynamic reference repository, the system comprising:

at least one database (knowledge database and figures 1A-1b);

at least one resource (0034, 0048 and figure 5) operable coupled to the dynamic reference repository; and

a processing module operable coupled to the at least one database and operable to execute a set of instructions (0062) to:

identify pertinent input(s) (0004, 0046-0047 and step 40 of figure 1A, and step 2 GENERATE THE INFORMATION of figure 5) to the dynamic reference repository (knowledge database; abstract and 0010) within the at least one resource (0034, 0048 and figure 5);

retrieve the pertinent input(s) (0047, 0049 and step 2 GENERATE THE INFORMATION of figure 5. Therein, collecting information is disclosed) to the dynamic reference repository (knowledge database; abstract and 0010) from the at least one resource (0034, 0048 and figure 5);

manage the pertinent input(s) to the dynamic reference repository (0004, 0046-0047 and step 40 of figure 1A, and step 2 GENERATE THE INFORMATION of figure 5); and

distribute the pertinent input(s) to update (0010, step 7 of figure 5, step 22 of figure 1B) the dynamic reference repository (knowledge database; abstract and 0010).

With respect to claim 18, Tafoya teaches the dynamic reference repository of claim 17, wherein the processing module is further operable to catalog the pertinent input(s) to the dynamic reference repository (step 4 of figure 5).

With respect to claim 19, Tafoya teaches the dynamic reference repository of claim 17, wherein the processing module is further operable to maintain the pertinent input(s) to the dynamic reference repository (steps 3-5 which describe the preparation of the information collected).

With respect to claim 30, Tafoya teaches the dynamic reference repository of claim 17, wherein the processing module is further operable to time stamp the pertinent input(s) (date field in figure 12).

With respect to claim 34, Tafoya teaches an enterprise architecture including a dynamic reference repository system having a dynamic reference repository that comprises:

at least one database (figure 1A step 40 and figure 5 step 7);

at least one resource operable coupled to the dynamic reference repository (0034, 0048 and figure 5); and

a processing module operable coupled to the at least one database operable to execute a set of instructions to:

identify pertinent input(s) to the dynamic reference repository within the at least one resource;

retrieve the pertinent input(s) to the dynamic reference repository (0004, 0046-0047 and step 40 of figure 1A, and step 2 GENERATE THE INFORMATION of figure 5) from the at least one resource (0034, 0048 and figure 5);

manage the pertinent input(s) to the dynamic reference repository (0004, 0046-0047 and step 40 of figure 1A, and step 2 GENERATE THE INFORMATION of figure 5); and

distribute the pertinent input(s) to update (0010, step 7 of figure 5, step 22 of figure 1B) the dynamic reference repository (knowledge database; abstract and 0010).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 4-7, 10-11, 12, 13, 20-23, 29, and 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tafoya as applied to claims 1-3, 15-19, 30 and 34 above in view of Yanagihara et al ('Yanagihara' hereafter) (U.S. Patent 6,161,102).

With respect to claim 4, Tafoya fails to teach a customizable agent.

Yanagihara, however, teaches wherein the automated software agent is customizable by a user to define a customizable agent, and wherein the customizable agent (col. 10, line 44-62) searches, discovers, and retrieves the pertinent input(s) to the dynamic reference repository for providing search results to a user and providing accurate retrieval of information (Yanagihara at col. 3, line 15-20).

In the same field of endeavor, (i.e. data processing), it would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the

teachings of the cited references because Yanagihara's teachings would have provided Tafoya's system with a search agent for the accurate retrieval of information (Yanagihara at col. 3, line 15-20).

With respect to claim 5, Tafoya teaches the method of claim 4, wherein the customizable agent searches discovers and retrieves the pertinent input(s) from Internet or intranet resources (0034, 0053 and figure 1).

With respect to claim 6, Tafoya teaches the method of claim 4, wherein the customizable agent searches discovers and retrieves the pertinent input(s) from subject matter experts (SMEs) (abstract, 0011, and 0046).

With respect to claim 7, Tafoya teaches the method of claim 6, utilities to conduct SME reviews, assessments or interviews (0047 and figure 11).

With respect to claim 10, Tafoya fails to expressly teach the customizable agent searches are developed using a graphical user interface (GUI) that interfaces with the dynamic reference repository.

Yanagihara, however, teaches the customizable agent searches are developed using a graphical user interface (GUI) that interfaces with the dynamic reference repository (figures 4A, 5, and 7B) for customizing the search agent (col. 10, line 44-62).

In the same field of endeavor, (i.e. data processing), it would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because Yanagihara's teachings would have provided Tafoya's system with a user friendly way of defining search requests for accurately finding information.

With respect to claim 11, this claim is essentially rejected for the same rationale as claims 10 and 22 above. Furthermore, Yanagihara discloses at least developing customizable agent searches (figures 4A, 5, and 7B).

With respect to claim 12, Tafoya fails to expressly teach running periodic and/or prioritized customizable agent searches of reference material(s).

Yanagihara, however, discloses running periodic and/or prioritized customizable agent searches of reference material(s) (at least in col. 9, line 15-20 and figure 7B) for periodically reporting results. Yanagihara also suggests prioritized customizable agent searches (513 of figure 5) to schedule a search to find new or modified content for an accurate method of finding information.

In the same field of endeavor, (i.e. data processing), it would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because Yanagihara's system would have given Tafoya's system the ability to schedule a search to find new or modified content for an accurate method of finding information.

With respect to claim 13, Tafoya-Aaron fail to expressly teach the customizable agent searches are neutral to data type.

Yanagihara, however, teaches the customizable agent searches are neutral to data type (col. 8, line 14-16) for finding different types of documents.

In the same field of endeavor, (i.e. data processing), it would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because Yanagihara's system would have given Tafoya a versatile system of finding documents of different types.

With respect to claim 20, Tafoya fails to teach a customizable agent.

Yanagihara, however, teaches a customizable agent (col. 10, line 44-62) for providing search results to a user and providing accurate retrieval of information (Yanagihara at col. 3, line 15-20).

In the same field of endeavor, (i.e. data processing), it would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because Yanagihara's teachings would have provided Tafoya's system with a search agent for the accurate retrieval of information (Yanagihara at col. 3, line 15-20).

With respect to claim 21, Tafoya teaches the dynamic reference repository of claim 20, wherein the at least one resource comprises at least one of the following: Internet, intranet, or subject matter experts (SMEs) resources (abstract, 0011, and 0046).

With respect to claim 22, Tafoya fails to expressly teach a user interface allows users to manage the customizable agent(s).

Yanagihara, however, teaches a user interface allows users to manage the customizable agent(s) (figures 4A, 5, and 7B) for a user friendly way of defining search requests for accurately finding information.

In the same field of endeavor, (i.e. data processing), it would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because Yanagihara's teachings would have provided Tafoya's system with a user friendly way of defining search requests for accurately finding information.

With respect to claim 23, Tafoya teaches the dynamic reference repository of claim 20, wherein the customizable agent searches further comprise utilities to conduct SME reviews, assessments or interviews (0047 and figure 11).

With respect to claim 29, Tafoya fails to expressly teach executing periodic and/or prioritized searches of reference materials(s) within the at least one resource.

Yanagihara, however, discloses executing periodic and/or prioritized customizable agent searches of reference material(s) (at least in col. 9, line 15-20 and figure 7B) for periodically reporting results. Yanagihara also suggests prioritized customizable agent searches (513 of figure 5) to schedule a search to find new or modified content for an accurate method of finding information.

In the same field of endeavor, (i.e. data processing), it would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because Yanagihara's system would have given Tafoya's system the ability to schedule a search to find new or modified content for an accurate method of finding information.

With respect to claim 31, Tafoya teaches a method for populating a dynamic reference repository, comprising:

discovering pertinent input(s) (0004, 0046-0047 and step 40 of figure 1A, and step 2 GENERATE THE INFORMATION of figure 5) to the dynamic reference repository (knowledge database; abstract and 0010);

retrieving the pertinent input(s) to the dynamic reference repository (0047, 0049 and step 2 GENERATE THE INFORMATION of figure 5. Therein, collecting information, or retrieving, is disclosed), wherein automated customizable software agent(s) search for discover and retrieve the pertinent input(s) to the dynamic reference repository from Internet or intranet accessible resources (0034, 0053 and figure 1);

managing the pertinent input(s) to the dynamic reference repository (steps 3-5 of figure 5);

cataloging the pertinent input(s) to the dynamic reference repository (step 4 of figure 5); and

distributing the pertinent input(s) to populate the dynamic reference repository (0010, step 7 of figure 5, step 22 of figure 1B).

Tafoya fails to teach customizable agent(s) search for discover and retrieve.

Yanagihara, however, teaches customizable agent(s) search for discover and retrieve (col. 10, line 44-62) for providing search results to a user.

In the same field of endeavor, (i.e. data processing), it would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because Yanagihara's teachings would have provided Tafoya-Aaron's system with a search agent for the accurate retrieval of information (Yanagihara at col. 3, line 15-20).

With respect to claim 32, Tafoya teaches wherein customizable agent(s) further search for, discover, and retrieve the pertinent input(s) from subject matter experts (SMEs), and wherein the customizable agent(s) further comprise utilities to conduct SME reviews, assessments or interviews (0047 and figure 11). Yanagihara teaches the customizable agent(s) as applied to claim 31 above.

Claims 8, 9, 24, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tafoya as applied to claims 1-3, 15-19, 30 and 34 above in view of Aaron (U.S. Patent Application 2005/0015382 A1).

With respect to claim 8, Tafoya fails to teach the method of claim 1, wherein pertinent input(s) are contained in communications addressed to the dynamic reference repository.

Aaron, however, teaches communications addressed to the dynamic reference repository (0052) for efficiently submitting information to a database.

In the same field of endeavor, (i.e. data processing), it would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because this teaching of Aaron would have provided Tafoya's system with efficiently communicating data to the database. Furthermore, Aaron's system would give Tafoya's system input information in various formats (0052, and approximately lines 16-25 of 0053).

With respect to claim 9, Tafoya fails to teach teaches the method of claim 8, wherein the communications addressed to the dynamic reference repository are e-mails addressed to the dynamic reference repository.

Aaron, however teaches the communications addressed to the dynamic reference repository are e-mails addressed to the dynamic reference repository as submitting information in various formats including email (0052) for efficiently submitting information to a database. The motivation for combining these references is the same as applied to claim 8.

With respect to claim 24, Tafoya fails to teach pertinent input(s) are contained in communications addressed to the dynamic reference repository.

Aaron, however, teaches communications addressed to the dynamic reference repository (0052) for efficiently submitting information to a database.

In the same field of endeavor, (i.e. data processing), it would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because this teaching of Aaron would have provided Tafoya's

system with efficiently communicating data to the database. Furthermore, Aaron's system would give Tafoya's system input information in various formats (0052, and approximately lines 16-25 of 0053).

With respect to claim 25, Tafoya fails to teach teaches the method of claim 8, wherein the communications addressed to the dynamic reference repository are e-mails addressed to the dynamic reference repository.

Aaron, however teaches the communications addressed to the dynamic reference repository are e-mails addressed to the dynamic reference repository as submitting information in various formats including email (0052) for efficiently submitting information to a database. The motivation for combining these references is the same as applied to claim 8.

Claims 14, 26-28, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Tafoya and Yanagihara ('Tafoya-Yanagihara' hereafter) as applied to claims 4-7, 10-11, 12, 13, 20-23, 29, and 31-32 above, and further in view of Aaron.

With respect to claim 14, Tafoya-Yanagihara fails to expressly teach wherein the data type comprises electronic forms that further comprise MS Office, web document, and e-mail document compatible forms.

Aaron, however, teaches the data type comprises electronic forms that further comprise MS Office, web document, and e-mail document compatible forms (0041, 0052 at approximately lines 8-15, and 0053 at approximately lines 16-24) for identifying input of different types and the capability to receive input in an acceptable format.

In the same field of endeavor, (i.e. data processing), it would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because Aaron's system would have given Tafoya-Yanagihara's invention the capability to receive input in an acceptable format (Aaron at 0041).

With respect to claim 26, Tafoya fails to teach the interface allows a user to perform at least one of the following: develop, customize, and/or manage the customizable agent(s).

Yanagihara, however, teaches the interface allows a user to develop, customize, and/or manage the customizable agent(s) (figures 4A, 5, and 7B) for customizing the search agent (col. 10, line 44-62).

In the same field of endeavor, (i.e. data processing), it would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because Yanagihara's teachings would have provided Tafoya's system with a user friendly way of defining search requests for accurately finding information.

With respect to claim 27, Tafoya fails to expressly teach the customizable agent searches are neutral to data type.

Yanagihara, however, teaches the customizable agent searches are neutral to data type (col. 8, line 14-16) for finding different types of documents.

In the same field of endeavor, (i.e. data processing), it would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the

teachings of the cited references because Yanagihara's system would have given Tafoya a versatile system of finding documents of different types (Yanagihara at col. 8 line 14-15).

With respect to claim 28, Tafoya-Yanagihara fails to expressly teach wherein the data type comprises electronic forms that further comprise MS Office, web document, and e-mail document compatible forms.

Aaron, however, teaches the data type comprises electronic forms that further comprise MS Office, web document, and e-mail document compatible forms (0041, 0052 at approximately lines 8-15, and 0053 at approximately lines 16-24) for identifying input of different types and the capability to receive input in an acceptable format.

In the same field of endeavor, (i.e. data processing), it would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because Aaron's system would have given Tafoya-Yanagihara's invention the capability to receive input in an acceptable format (Aaron at 0041).

With respect to claim 33, Tafoya-Yanagihara fail to expressly wherein pertinent input(s) are contained in electronic communications addressed to the dynamic reference repository.

Aaron, however, teaches wherein pertinent input(s) are contained in electronic communications addressed to the dynamic reference repository Aaron, however, teaches communications addressed to the dynamic reference repository (0052) for submitting information to a database.

In the same field of endeavor, (i.e. data processing), it would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because this teaching of Aaron would have provided Tafoya-Yanagihara's system with efficiently communicating data to the database. Furthermore, Aaron's system would give Tafoya-Yanagihara's system input information in various formats (0052, and approximately lines 16-25 of 0053).

Response to Arguments

Applicant's arguments in the reply filed 11/13/2007 have been fully considered but they are not persuasive.

On pages 9-11, Applicant argues that Tafoya does not disclose and automated software agent performing the recited actions of discovering and retrieving pertinent inputs. The Examiner disagrees and submits that broadly automating an automated activity is not sufficient to distinguish over the prior art. According to MPEP 2144.04:

In re Venner, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958) (Appellant argued that claims to a permanent mold casting apparatus for molding trunk pistons were allowable over the prior art because the claimed invention combined "old permanent-mold structures together with a timer and solenoid which automatically actuates the known pressure valve system to release the inner core after a predetermined time has elapsed." The court held that broadly providing an automatic or mechanical means to replace a manual activity which accomplished the same result is not sufficient to distinguish over the prior art.).

In furtherance, the Examiner submits that Although Tafoya does not expressly disclose an automated software agent performing the discovering and retrieving of pertinent input(s) to the dynamic reference repository, it would have been obvious to automate Tafoya's system to further

improve knowledge retrieval and management. Such a benefit would be realized to give their system a competitive advantage (need disclosed by Tafoya, para 0002).

Likewise, the forgoing applies equally well to the Applicants arguments pertaining to claims 2, 3, 16, 19, and 30 as they similarly recite merely automating a known process.

In respect to page 12 of the reply, Applicant argues that the combination of Yanagihara with Tafoya fail to teach a "customizable software agent." The Examiner disagrees that, as mentioned in the previous paragraph, that automating a known process is not sufficient to distinguish over the prior art. This applies equally well to the automated utility for reviewing, assessing, or interviewing subject matter experts (page 13) of the reply of which Applicant is seeking to patent.

Further, Yanagihara explicitly teaches a user creating a search agent (col. 10, lines 44-62) for designating search requests. Simply, because the user may create the search agent, is therefore seen to be customizable.

In respect to page 13 of the reply, Applicant argues (regarding claims 12 and 29) that Yanagihara does not teach running periodic and/or prioritized customizable agent searches. As noted above, Yanagihara does teach customizable search agents. Further, as all claims 12 and 29 require is that a periodic or prioritized agent search to be preformed, that the Yanagihara reference sufficiently discloses these limitations. That is, Yanagihara explicitly teaches running a periodic reporting process (col. 9 line 17) as well as a scheduled search (col. 9 line 34) to

retrieve any new or modified documents. Therein it would be well understood that a periodic search [of reference materials] is taught.

In respect to claim 13, Applicant argues that Yanagihara does not teach searches that are neutral to data type. The Examiner disagrees as Yanagihara explicitly teaches running search requests that seek different types of documents. Here it is seen that seeking different types clearly suggests that the search does not discriminate to any particular type (i.e. is "neutral"). Further, in Applicant's argument, it is attempted to limit "data type" to a "document format". However, such limitations are not found in the recited claims and therefore are not awarded patentable weight. The Examiner notes that limitations read in light of the specification but however, are not read into the claims. See *In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).*

In the first section of page 14, Applicant argues with respect to claims 31 and 32 that the (automated) feature of searching and discovering and retrieving pertinent inputs is not disclosed. The Examiner submits in light of the foregoing, the previous response to arguments (e.g. regarding the reply's pages 9-11) applies equally well to these claims.

Further, on the bottom section of page 14, Applicant argues with respect to claims 8, 9, 24, and 25 that Aaron is directed to an entirely different problem and it is unreasonable to combine this reference with Tafoya. The Examiner disagrees and submits that In the same field of endeavor, (i.e. data processing), it would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited

references because Aaron's system would have given Tafoya-Yanagihara's invention the capability to receive input in an acceptable format (Aaron at 0041). Also, one would be motivated to combine Aaron with Tafoya because as also in the same field of maintaining pertinent inputs (e.g. Aaron, 0038), Aaron would have provided Tafoya with an expanded capability of processing data of different formats.

Further, Applicant states (first paragraph of page 15) that even if the references were combinable that the receiving of pertinent inputs is not taught in Aaron. The Applicant asserts this the pertinent inputs of Aaron do not relate to reference knowledge which can update or add to the dynamic repository. In light of a broadly reasonable interpretation (per MPEP 2111), and because the claimed "pertinent inputs" contain such a wide scope, that Aaron remains to teach this aspect. Moreover, the Examiner submits that Applicant is again arguing limitations not recited in the claims.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., pertinent input(s) relating to *reference knowledge* which can update or add to the dynamic reference repository) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In respect to claims 8 and 24, Applicant argues (i.e. page 15, and likewise on page 17 in regards to claim 33) that the references do not teach communications addressed to the dynamic reference repository. The Examiner disagrees and submits that Aaron teaches this limitation as

noted above (i.e. paragraph 0052). That is, Aaron teaches inputs in the form of an email type. For example, policy information (e.g. an "input") is submitted to a database in the format of an email (0052). Further, Aaron teaches a policy input can be received in an email mechanism (0053, lines 15-20). In furtherance, a reasonable interpretation, would lead on of skill in the art to construe that information to be stored in a repository (which Tafoya teaches, fig. 5) would have to be *addressed* to the database in order for the appropriate database to store the information.

On page 16, Applicant argues in regards to claims 14 and 28 that Aaron does not teach data types comprising electronic forms that further comprise MS Office, web document, and e-mail document compatible forms. The Examiner disagrees for the reasoning given in the Office Action above. Further, the Examiner submits that Aaron teaches (input) data types as email types and web page forms (e.g. paragraph 0053). Furthermore, as Aaron teaches an e-mail data type for an input, the Examiner submits that as is well known, an e-mail application (i.e. Microsoft Outlook) is an integral component to MS Office and therefore this data type serves as a compatible format.

On page 17, Applicant argues in respect to claim 26 that neither of the cited references teach an interface to at least one database receives pertinent inputs. The Examiner disagrees given the following:

Initially, the Examiner submits that *the* customizable agents in claim 20 lack antecedent basis (i.e. a customizable agent is not disclosed in claims 17 or 24 of which claim 26 depends).

Secondly, Applicant's argument is not persuasive because as a customizable agent performs searching and retrieval (as per claim 20), Yanagihara similarly teaches such an agent (e.g. fig. 5 and col. 10, line 45)) wherein a user may create a customizable search agent for searching and retrieving documents.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Timblin whose telephone number is 571-272-5627. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R. Cottingham can be reached on 571-272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ROBERT TIMBLIN/
Examiner, Art Unit 2167

/John R. Cottingham/

Supervisory Patent Examiner, Art Unit 2167